

110TH CONGRESS  
1ST SESSION

# H. R. 1783

To amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. EMANUEL (for himself and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Elder Justice Act”.

1           (b) TABLE OF CONTENTS.—The table of contents of  
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.

TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES

- Sec. 101. Definitions.
- Sec. 102. Elder Justice.

“PART A—BLOCK GRANTS TO STATES FOR SOCIAL SERVICES

“PART B—ELDER JUSTICE

- “Sec. 2011. Definitions.
- “Sec. 2012. General provisions.

“Subpart 1—National Coordination of Elder Justice Activities and Research

“CHAPTER I—ELDER JUSTICE COORDINATING COUNCIL AND ADVISORY  
BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION

- “Sec. 2021. Elder Justice Coordinating Council.
- “Sec. 2022. Advisory Board on Elder Abuse, Neglect, and Exploitation.
- “Sec. 2023. Research protections.
- “Sec. 2024. Authorization of appropriations.

“CHAPTER II—ELDER ABUSE, NEGLECT, AND EXPLOITATION FORENSIC  
CENTERS

- “Sec. 2031. Establishment and support of elder abuse, neglect, and Ex-  
ploitation forensic Centers.

“Subpart 2—Programs to Promote Elder Justice

- “Sec. 2041. Enhancement of long-term care.
- “Sec. 2042. Adult protective services functions and grant programs.
- “Sec. 2043. Long-term care ombudsman program grants and training.
- “Sec. 2044. Provision of information regarding, and evaluations of, elder  
justice programs.
- “Sec. 2045. Report.
- “Sec. 1150A. Reporting to law enforcement of crimes occurring in feder-  
ally funded long-Term care facilities.
- “Sec. 1150B. Ensuring safety of residents when federally funded Long-  
Term care facilities close.

TITLE II—DEPARTMENT OF JUSTICE

- Sec. 201. Model State laws and practices.
- Sec. 202. Elder justice plan and strategy.
- Sec. 203. Victim advocacy grants.
- Sec. 204. Supporting local prosecutors in elder justice matters.
- Sec. 205. Supporting State prosecutors in elder justice matters.
- Sec. 206. Increased support for Federal cases involving elder justice.
- Sec. 207. Supporting law enforcement in elder justice matters.

Sec. 208. Evaluations.

TITLE III—TAX PROVISIONS

Sec. 301. Long-Term care facility worker employment tax credit.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The proportion of the United States popu-  
4 lation age 60 years or older will drastically increase  
5 in the next 30 years as more than 76,000,000 baby  
6 boomers approach retirement and old age.

7 (2) Each year, anywhere between 500,000 and  
8 5,000,000 elders in the United States are abused,  
9 neglected, or exploited.

10 (3) Elder abuse, neglect, and exploitation have  
11 no boundaries, and cross all racial, social class, gen-  
12 der, and geographic lines.

13 (4) Victims of elder abuse, neglect, and exploi-  
14 tation are not only subject to injury from mistreat-  
15 ment and neglect, they are also 3.1 times more likely  
16 than elders who were not victims of elder abuse, ne-  
17 glect, and exploitation to die at an earlier age than  
18 expected.

19 (5) There is a general dearth of data as to the  
20 nature and scope of elder abuse, neglect, and exploi-  
21 tation. In recognition of the need to improve data  
22 collection efforts with respect to elder abuse, neglect,  
23 and exploitation, Congress required the Secretary of

1 Health and Human Services to conduct a study by  
2 the end of 2008 on establishing a uniform national  
3 database on elder abuse under section 405 of title  
4 IV of Division C of the Tax Relief and Health Care  
5 Act of 2006 (Public Law 109–432).

6 (6) Despite the dearth of data in the field, ex-  
7 perts agree that most cases of elder abuse, neglect,  
8 and exploitation are never reported and that abuse,  
9 neglect, and exploitation shorten a victim’s life, often  
10 triggering a downward spiral of an otherwise pro-  
11 ductive, self-sufficient elder’s life. Programs address-  
12 ing other difficult issues such as domestic violence  
13 and child abuse and neglect have demonstrated the  
14 need for a multifaceted law, combining public health,  
15 social service, and law enforcement approaches.

16 (7) For over 20 years, Congress has been pre-  
17 sented with facts and testimony calling for a coordi-  
18 nated Federal effort to combat elder abuse, neglect,  
19 and exploitation.

20 (8) The Federal Government has been slow to  
21 respond to the needs of victims of elder abuse, ne-  
22 glect, and exploitation or to undertake prevention ef-  
23 forts.

24 (9) No Federal law has been enacted that ade-  
25 quately and comprehensively addresses the issues of

1 elder abuse, neglect, and exploitation and there are  
2 very limited resources available to those in the field  
3 that directly deal with the issues.

4 (10) Differences in State laws and practices in  
5 the areas of elder abuse, neglect, and exploitation  
6 lead to significant disparities in prevention, protec-  
7 tive and social services, treatment systems, and law  
8 enforcement, and lead to other inequities.

9 (11) The Federal Government has played an  
10 important role in promoting research, training, pub-  
11 lic safety, and data collection, and the identification,  
12 development, and dissemination of promising health  
13 care, social, and protective services, and law enforce-  
14 ment practices, relating to child abuse and neglect,  
15 domestic violence, and violence against women. The  
16 Federal Government should promote similar efforts  
17 and protections relating to elder abuse, neglect, and  
18 exploitation.

19 (12) The Federal Government should provide  
20 leadership and assist States and communities in  
21 their efforts to protect elders in the United States  
22 by—

23 (A) promoting coordinated planning among  
24 all levels of government;

1 (B) generating and sharing knowledge rel-  
2 evant to protecting elders;

3 (C) providing leadership to combat the  
4 abuse, neglect, and exploitation of the Nation's  
5 elders; and

6 (D) providing resources to States and com-  
7 munities to promote elder justice.

8 (13) The problem of elder abuse, neglect, and  
9 exploitation requires a comprehensive approach  
10 that—

11 (A) integrates the work of health, legal,  
12 and social service agencies and organizations;

13 (B) emphasizes the need for prevention, re-  
14 porting, investigation, assessment, treatment,  
15 and prosecution of elder abuse, neglect, and ex-  
16 ploitation at all levels of government;

17 (C) ensures that sufficient numbers of  
18 properly trained personnel with specialized  
19 knowledge are in place to—

20 (i) treat, assess, and provide services  
21 relating to elder abuse, neglect, and exploi-  
22 tation; and

23 (ii) carry out elder protection duties;

24 (D) is sensitive to ethnic and cultural di-  
25 versity;

1 (E) recognizes the role of mental health,  
2 disability, dementia, substance abuse, medica-  
3 tion mismanagement, and family dysfunction  
4 problems in increasing and exacerbating elder  
5 abuse, neglect, and exploitation; and

6 (F) balances elders' right to self-deter-  
7 mination with society's responsibility to protect  
8 elders.

9 (14) The human, social, and economic cost of  
10 elder abuse, neglect, and exploitation is high and in-  
11 cludes unnecessary expenditures of funds from many  
12 public programs.

13 (15) The failure to coordinate activities relating  
14 to, and comprehensively prevent and treat, elder  
15 abuse, neglect, and exploitation threatens the future  
16 and well-being of millions of elders in the United  
17 States.

18 (16) All elements of society in the United  
19 States have a shared responsibility in responding to  
20 a national problem of elder abuse, neglect, and ex-  
21 ploitation.

22 **SEC. 3. PURPOSES.**

23 The purposes of this Act are as follows:

24 (1) To enhance the social security of the Nation  
25 by ensuring adequate public-private infrastructure

1 and resolving to prevent, detect, treat, understand,  
2 and intervene in, and where appropriate, aid in the  
3 prosecution of, elder abuse, neglect, and exploitation.

4 (2) To bring a comprehensive approach to pre-  
5 venting and combating elder abuse, neglect, and ex-  
6 ploitation, a long invisible problem that afflicts the  
7 most vulnerable among the aging population of the  
8 United States.

9 (3) To raise the issue of elder abuse, neglect,  
10 and exploitation to national attention, and to create  
11 the infrastructure at the Federal, State, and local  
12 levels, to ensure that individuals and organizations  
13 on the front lines, who are fighting elder abuse, ne-  
14 glect, and exploitation with scarce resources and  
15 fragmented systems, have the resources and infor-  
16 mation needed to carry out their fight.

17 (4) To bring a comprehensive multidisciplinary  
18 approach to elder justice.

19 (5) To set in motion research and data collec-  
20 tion to fill gaps in knowledge about elder abuse, ne-  
21 glect, and exploitation.

22 (6) To supplement the activities of service pro-  
23 viders and programs, to enhance training, and to le-  
24 verage scarce resources efficiently, in order to ensure



1       that elder justice receives the attention it deserves as  
2       the Nation's population ages.

3           (7) To recognize and address the role of mental  
4       health, disability, dementia, substance abuse, medi-  
5       cation mismanagement, and family dysfunction prob-  
6       lems in increasing and exacerbating elder abuse, ne-  
7       glect, and exploitation.

8           (8) To create short- and long-term strategic  
9       plans for the development and coordination of elder  
10      justice research, programs, studies, training, and  
11      other efforts nationwide.

12          (9) To promote collaborative efforts and dimin-  
13      ish overlap and gaps in efforts in developing the im-  
14      portant field of elder justice.

15          (10) To honor and respect the right of all indi-  
16      viduals with diminished capacity to decisionmaking  
17      autonomy, self-determination, and dignity of choice.

18          (11) To respect the wishes of individuals with  
19      diminished capacity and their family members in  
20      providing supportive services and care plans in-  
21      tended to protect elders from abuse, neglect (includ-  
22      ing self-neglect), and exploitation.

4 Except as otherwise specifically provided, any term  
5 that is defined in section 2011 of the Social Security Act  
6 (as added by section 102(a)) and is used in this title has  
7 the meaning given such term by such section.

9 (a) ELDER JUSTICE.—

(A) in the title heading, by inserting  
**“AND ELDER JUSTICE”** after **“SOCIAL SERVICES”**;

“PART A—BLOCK GRANTS TO STATES FOR SOCIAL  
SERVICES”;

20 (C) by adding at the end the following:

23 “In this part:

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1 or the knowing deprivation of goods or services that  
2 are necessary to meet essential needs or to avoid  
3 physical or psychological harm.

4 “(2) ADULT PROTECTIVE SERVICES.—The term  
5 ‘adult protective services’ means such services pro-  
6 vided to adults as the Secretary may specify and in-  
7 cludes services such as—

8 “(A) disseminating reports of adult abuse,  
9 neglect, or exploitation;

10 “(B) investigating the reports described in  
11 subparagraph (A);

12 “(C) case planning, monitoring, evaluation,  
13 and other case work and services; and

14 “(D) providing, arranging for, or facili-  
15 tating the provision of medical, social service,  
16 economic, legal, housing, law enforcement, or  
17 other protective, emergency, or support services.

18 “(3) CAREGIVER.—The term ‘caregiver’ means  
19 an individual who has the responsibility for the care  
20 of an elder, either voluntarily, by contract, by receipt  
21 of payment for care, or as a result of the operation  
22 of law, and means a family member or other indi-  
23 vidual who provides (on behalf of such individual or  
24 of a public or private agency, organization, or insti-

1       tution) compensated or uncompensated care to an  
2       elder who needs supportive services in any setting.

3               “(4) DIRECT CARE.—The term ‘direct care’  
4       means care by an employee or contractor who pro-  
5       vides assistance or long-term care services to a re-  
6       cipient.

7               “(5) ELDER.—The term ‘elder’ means an indi-  
8       vidual age 60 or older.

9               “(6) ELDER JUSTICE.—The term ‘elder justice’  
10      means—

11               “(A) from a societal perspective, efforts  
12      to—

13                       “(i) prevent, detect, treat, intervene  
14                       in, and prosecute elder abuse, neglect, and  
15                       exploitation; and

16                       “(ii) protect elders with diminished  
17                       capacity while maximizing their autonomy;  
18                       and

19               “(B) from an individual perspective, the  
20      recognition of an elder’s rights, including the  
21      right to be free of abuse, neglect, and exploi-  
22      tation.

23               “(7) ELIGIBLE ENTITY.—The term ‘eligible en-  
24      tity’ means a State or local government agency, In-  
25      dian tribe or tribal organization, or any other public

1 or private entity that is engaged in and has expertise  
2 in issues relating to elder justice or in a field nec-  
3 essary to promote elder justice efforts.

4 “(8) EXPLOITATION.—The term ‘exploitation’  
5 means the fraudulent or otherwise illegal, unauthor-  
6 ized, or improper act or process of an individual, in-  
7 cluding a caregiver or fiduciary, that uses the re-  
8 sources of an elder for monetary or personal benefit,  
9 profit, or gain, or that results in depriving an elder  
10 of rightful access to, or use of, benefits, resources,  
11 belongings, or assets.

12 “(9) FIDUCIARY.—The term ‘fiduciary’—

13 “(A) means a person or entity with the  
14 legal responsibility—

15 “(i) to make decisions on behalf of  
16 and for the benefit of another person; and

17 “(ii) to act in good faith and with  
18 fairness; and

19 “(B) includes a trustee, a guardian, a con-  
20 servator, an executor, an agent under a finan-  
21 cial power of attorney or health care power of  
22 attorney, or a representative payee.

23 “(10) GRANT.—The term ‘grant’ includes a  
24 contract, cooperative agreement, or other mechanism  
25 for providing financial assistance.

1           “(11) GUARDIANSHIP.—The term ‘guardian-  
2 ship’ means—

3           “(A) the process by which a State court  
4 determines that an adult individual lacks capac-  
5 ity to make decisions about self-care and prop-  
6 erty, and appoints another individual or entity  
7 known as a guardian, as a conservator, or by a  
8 similar term, as a surrogate decisionmaker;

9           “(B) the manner in which the court-ap-  
10 pointed surrogate decisionmaker carries out du-  
11 ties to the individual and the court; or

12           “(C) the manner in which the court exer-  
13 cises oversight of the surrogate decisionmaker.

14           “(12) INDIAN TRIBE.—

15           “(A) IN GENERAL.—The term ‘Indian  
16 tribe’ has the meaning given such term in sec-  
17 tion 4 of the Indian Self-Determination and  
18 Education Assistance Act (25 U.S.C. 450b).

19           “(B) INCLUSION OF PUEBLO AND  
20 RANCHERIA.—The term ‘Indian tribe’ includes  
21 any Pueblo or Rancheria.

22           “(13) LAW ENFORCEMENT.—The term ‘law en-  
23 forcement’ means the full range of potential re-  
24 sponders to elder abuse, neglect, and exploitation in-  
25 cluding—

1           “(A) police, sheriffs, detectives, public safe-  
2           ty officers, and corrections personnel;

3           “(B) prosecutors;

4           “(C) medical examiners;

5           “(D) investigators; and

6           “(E) coroners.

7           “(14) LONG-TERM CARE.—

8           “(A) IN GENERAL.—The term ‘long-term  
9           care’ means supportive and health services spec-  
10          ified by the Secretary for individuals who need  
11          assistance because the individuals have a loss of  
12          capacity for self-care due to illness, disability,  
13          or vulnerability.

14          “(B) LOSS OF CAPACITY FOR SELF-  
15          CARE.—For purposes of subparagraph (A), the  
16          term ‘loss of capacity for self-care’ means an in-  
17          ability to engage in 1 or more activities of daily  
18          living, including eating, dressing, bathing, and  
19          management of one’s financial affairs.

20          “(15) LONG-TERM CARE FACILITY.—The term  
21          ‘long-term care facility’ means a residential care pro-  
22          vider that arranges for, or directly provides, long-  
23          term care.

24          “(16) NEGLECT.—The term ‘neglect’ means—

1           “(A) the failure of a caregiver or fiduciary  
2           to provide the goods or services that are nec-  
3           essary to maintain the health or safety of an  
4           elder; or

5           “(B) self-neglect.

6           “(17) NURSING FACILITY.—

7           “(A) IN GENERAL.—The term ‘nursing fa-  
8           cility’ has the meaning given such term under  
9           section 1919(a).

10          “(B) INCLUSION OF SKILLED NURSING FA-  
11          CILITY.—The term ‘nursing facility’ includes a  
12          skilled nursing facility (as defined in section  
13          1819(a))

14          “(18) SELF-NEGLECT.—The term ‘self-neglect’  
15          means an adult’s inability, due to physical or mental  
16          impairment or diminished capacity, to perform es-  
17          sential self-care tasks including—

18               “(A) obtaining essential food, clothing,  
19               shelter, and medical care;

20               “(B) obtaining goods and services nec-  
21               essary to maintain physical health, mental  
22               health, or general safety; or

23               “(C) managing one’s own financial affairs.

24          “(19) SERIOUS BODILY INJURY.—



1           “(A) IN GENERAL.—The term ‘serious  
2           bodily injury’ means an injury—

3                   “(i) involving extreme physical pain;

4                   “(ii) involving substantial risk of  
5           death;

6                   “(iii) involving protracted loss or im-  
7           pairment of the function of a bodily mem-  
8           ber, organ, or mental faculty; or

9                   “(iv) requiring medical intervention  
10          such as surgery, hospitalization, or phys-  
11          ical rehabilitation.

12          “(B) CRIMINAL SEXUAL ABUSE.—Serious  
13          bodily injury shall be considered to have oc-  
14          curred if the conduct causing the injury is con-  
15          duct described in section 2241 (relating to ag-  
16          gravated sexual abuse) or 2242 (relating to sex-  
17          ual abuse) of title 18, United States Code, or  
18          any similar offense under State law.

19          “(20) SOCIAL.—The term ‘social’, when used  
20          with respect to a service, includes adult protective  
21          services.

22          “(21) STATE LEGAL ASSISTANCE DEVEL-  
23          OPER.—The term ‘State legal assistance developer’  
24          means an individual described in section 731 of the  
25          Older Americans Act of 1965.

1 “(22) STATE LONG-TERM CARE OMBUDSMAN.—

2 The term ‘State Long-Term Care Ombudsman’  
3 means the State Long-Term Care Ombudsman de-  
4 scribed in section 712(a)(2) of the Older Americans  
5 Act of 1965.

6 **“SEC. 2012. GENERAL PROVISIONS.**

7 “(a) PROTECTION OF PRIVACY.—In pursuing activi-  
8 ties under this part, the Secretary shall ensure the protec-  
9 tion of individual health privacy consistent with the regu-  
10 lations promulgated under section 264(c) of the Health  
11 Insurance Portability and Accountability Act of 1996 and  
12 applicable State and local privacy regulations.

13 “(b) RULE OF CONSTRUCTION.—Nothing in this part  
14 shall be construed to interfere with or abridge an elder’s  
15 right to practice his or her religion through reliance on  
16 prayer alone for healing when this choice—

17 “(1) is contemporaneously expressed, either  
18 orally or in writing, with respect to a specific illness  
19 or injury which the elder has at the time of the deci-  
20 sion by an elder who is competent at the time of the  
21 decision;

22 “(2) is previously set forth in a living will,  
23 health care proxy, or other advance directive docu-  
24 ment that is validly executed and applied under  
25 State law; or

1 “(3) may be unambiguously deduced from the  
2 elder’s life history.

3 “SUBPART 1—NATIONAL COORDINATION OF ELDER

4 JUSTICE ACTIVITIES AND RESEARCH

5 **“CHAPTER I—ELDER JUSTICE COORDINATING**

6 **COUNCIL AND ADVISORY BOARD ON ELDER**

7 **ABUSE, NEGLECT, AND EXPLOITATION**

8 **“SEC. 2021. ELDER JUSTICE COORDINATING COUNCIL.**

9 “(a) ESTABLISHMENT.—There is established within  
10 the Office of the Secretary an Elder Justice Coordinating  
11 Council (in this section referred to as the ‘Council’).

12 “(b) MEMBERSHIP.—

13 “(1) IN GENERAL.—The Council shall be com-  
14 posed of the following members:

15 “(A) The Secretary (or the Secretary’s  
16 designee).

17 “(B) The Attorney General (or the Attor-  
18 ney General’s designee).

19 “(C) The head of each Federal department  
20 or agency or other governmental entity identi-  
21 fied by the Chair referred to in subsection (d)  
22 as having responsibilities, or administering pro-  
23 grams, relating to elder abuse, neglect, and ex-  
24 ploitation.

1           “(2) REQUIREMENT.—Each member of the  
2       Council shall be an officer or employee of the Fed-  
3       eral Government.

4           “(c) VACANCIES.—Any vacancy in the Council shall  
5       not affect its powers, but shall be filled in the same man-  
6       ner as the original appointment was made.

7           “(d) CHAIR.—The member described in subsection  
8       (b)(1)(A) shall be Chair of the Council.

9           “(e) MEETINGS.—The Council shall meet at least 2  
10      times per year, as determined by the Chair.

11          “(f) DUTIES.—

12               “(1) IN GENERAL.—The Council shall make  
13      recommendations to the Secretary for the coordina-  
14      tion of activities of the Department of Health and  
15      Human Services, the Department of Justice, and  
16      other relevant Federal, State, local, and private  
17      agencies and entities, relating to elder abuse, ne-  
18      glect, and exploitation and other crimes against el-  
19      ders.

20               “(2) REPORT.—Not later than the date that is  
21      2 years after the date of enactment of the Elder  
22      Justice Act and every 2 years thereafter, the Council  
23      shall submit to the Committee on Finance of the  
24      Senate and the Committee on Ways and Means and

1 the Committee on Energy and Commerce of the  
2 House of Representatives a report that—

3 “(A) describes the activities and accom-  
4 plishments of, and challenges faced by—

5 “(i) the Council; and

6 “(ii) the entities represented on the  
7 Council; and

8 “(B) makes such recommendations for leg-  
9 islation, model laws, or other action as the  
10 Council determines to be appropriate.

11 “(g) POWERS OF THE COUNCIL.—

12 “(1) INFORMATION FROM FEDERAL AGEN-  
13 CIES.—Subject to the requirements of section  
14 2012(a), the Council may secure directly from any  
15 Federal department or agency such information as  
16 the Council considers necessary to carry out this sec-  
17 tion. Upon request of the Chair of the Council, the  
18 head of such department or agency shall furnish  
19 such information to the Council.

20 “(2) POSTAL SERVICES.—The Council may use  
21 the United States mails in the same manner and  
22 under the same conditions as other departments and  
23 agencies of the Federal Government.

24 “(h) TRAVEL EXPENSES.—The members of the  
25 Council shall not receive compensation for the perform-

1   ance of services for the Council. The members shall be  
 2   allowed travel expenses, including per diem in lieu of sub-  
 3   sistence, at rates authorized for employees of agencies  
 4   under subchapter I of chapter 57 of title 5, United States  
 5   Code, while away from their homes or regular places of  
 6   business in the performance of services for the Council.  
 7   Notwithstanding section 1342 of title 31, United States  
 8   Code, the Secretary may accept the voluntary and uncom-  
 9   pensated services of the members of the Council.

10       “(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
 11   Federal Government employee may be detailed to the  
 12   Council without reimbursement, and such detail shall be  
 13   without interruption or loss of civil service status or privi-  
 14   lege.

15       “(j) STATUS AS PERMANENT COUNCIL.—Section 14  
 16   of the Federal Advisory Committee Act (5 U.S.C. App.)  
 17   shall not apply to the Council.

18   **“SEC. 2022. ADVISORY BOARD ON ELDER ABUSE, NEGLECT,**  
 19                               **AND EXPLOITATION.**

20       “(a) ESTABLISHMENT.—There is established a board  
 21   to be known as the ‘Advisory Board on Elder Abuse, Ne-  
 22   glect, and Exploitation’ (in this section referred to as the  
 23   ‘Advisory Board’) to create short- and long-term multi-  
 24   disciplinary strategic plans for the development of the field  
 25   of elder justice and to make recommendations to the Elder

1 Justice Coordinating Council established under section  
2 2021.

3 “(b) COMPOSITION.—The Advisory Board shall be  
4 composed of 27 members appointed by the Secretary from  
5 among members of the general public who are individuals  
6 with experience and expertise in elder abuse, neglect, and  
7 exploitation prevention, detection, treatment, intervention,  
8 or prosecution.

9 “(c) SOLICITATION OF NOMINATIONS.—The Sec-  
10 retary shall publish a notice in the Federal Register sol-  
11 iting nominations for the appointment of members of the  
12 Advisory Board under subsection (b).

13 “(d) TERMS.—

14 “(1) IN GENERAL.—Each member of the Advi-  
15 sory Board shall be appointed for a term of 3 years,  
16 except that, of the members first appointed—

17 “(A) 9 shall be appointed for a term of 3  
18 years;

19 “(B) 9 shall be appointed for a term of 2  
20 years; and

21 “(C) 9 shall be appointed for a term of 1  
22 year.

23 “(2) VACANCIES.—

24 “(A) IN GENERAL.—Any vacancy on the  
25 Advisory Board shall not affect its powers, but

1           shall be filled in the same manner as the origi-  
2           nal appointment was made.

3           “(B) FILLING UNEXPIRED TERM.—An in-  
4           dividual chosen to fill a vacancy shall be ap-  
5           pointed for the unexpired term of the member  
6           replaced.

7           “(3) EXPIRATION OF TERMS.—The term of any  
8           member shall not expire before the date on which  
9           the member’s successor takes office.

10          “(e) ELECTION OF OFFICERS.—The Advisory Board  
11          shall elect a Chair and Vice Chair from among its mem-  
12          bers. The Advisory Board shall elect its initial Chair and  
13          Vice Chair at its initial meeting.

14          “(f) DUTIES.—

15                 “(1) ENHANCE COMMUNICATION ON PRO-  
16                 MOTING QUALITY OF, AND PREVENTING ABUSE AND  
17                 NEGLECT IN, LONG-TERM CARE.—The Advisory  
18                 Board shall develop collaborative and innovative ap-  
19                 proaches to improve the quality of, including pre-  
20                 venting abuse and neglect in, long-term care.

21                 “(2) COLLABORATIVE EFFORTS TO DEVELOP  
22                 CONSENSUS AROUND THE MANAGEMENT OF CER-  
23                 TAIN QUALITY-RELATED FACTORS.—

24                 “(A) IN GENERAL.—The Advisory Board  
25                 shall establish multidisciplinary panels to ad-



1 dress, and develop consensus on, subjects relat-  
2 ing to improving the quality of long-term care.  
3 At least 1 such panel shall address, and develop  
4 consensus on, methods for managing resident-  
5 to-resident abuse in long-term care.

6 “(B) ACTIVITIES CONDUCTED.—The multi-  
7 disciplinary panels established under subpara-  
8 graph (A) shall examine relevant research and  
9 data, identify best practices with respect to the  
10 subject of the panel, determine the best way to  
11 carry out those best practices in a practical and  
12 feasible manner, and determine an effective  
13 manner of distributing information on such  
14 subject.

15 “(3) REPORT.—Not later than the date that is  
16 18 months after the date of enactment of the Elder  
17 Justice Act, and annually thereafter, the Advisory  
18 Board shall prepare and submit to the Elder Justice  
19 Coordinating Council, the Committee on Finance of  
20 the Senate, and the Committee on Ways and Means  
21 and the Committee on Energy and Commerce of the  
22 House of Representatives a report containing—

23 “(A) information on the status of Federal,  
24 State, and local public and private elder justice  
25 activities;

1           “(B) recommendations (including rec-  
2 ommended priorities) regarding—

3           “(i) elder justice programs, research,  
4 training, services, practice, enforcement,  
5 and coordination;

6           “(ii) coordination between entities  
7 pursuing elder justice efforts and those in-  
8 volved in related areas that may inform or  
9 overlap with elder justice efforts, such as  
10 activities to combat violence against women  
11 and child abuse and neglect; and

12           “(iii) activities relating to adult fidu-  
13 ciary systems, including guardianship and  
14 other fiduciary arrangements;

15           “(C) recommendations for specific modi-  
16 fications needed in Federal and State laws (in-  
17 cluding regulations) or for programs, research,  
18 and training to enhance prevention, detection,  
19 and treatment (including diagnosis) of, inter-  
20 vention in (including investigation of), and  
21 prosecution of elder abuse, neglect, and exploi-  
22 tation;

23           “(D) recommendations on methods for the  
24 most effective coordinated national data collec-

1           tion with respect to elder justice, and elder  
2           abuse, neglect, and exploitation; and

3           “(E) recommendations for a multidisci-  
4           plinary strategic plan to guide the effective and  
5           efficient development of the field of elder jus-  
6           tice.

7           “(g) POWERS OF THE ADVISORY BOARD.—

8           “(1) INFORMATION FROM FEDERAL AGEN-  
9           CIES.—Subject to the requirements of section  
10          2012(a), the Advisory Board may secure directly  
11          from any Federal department or agency such infor-  
12          mation as the Advisory Board considers necessary to  
13          carry out this section. Upon request of the Chair of  
14          the Advisory Board, the head of such department or  
15          agency shall furnish such information to the Advi-  
16          sory Board.

17          “(2) SHARING OF DATA AND REPORTS.—The  
18          Advisory Board may request from any entity pur-  
19          suing elder justice activities under the Elder Justice  
20          Act or an amendment made by that Act, any data,  
21          reports, or recommendations generated in connection  
22          with such activities.

23          “(3) POSTAL SERVICES.—The Advisory Board  
24          may use the United States mails in the same man-

1       ner and under the same conditions as other depart-  
2       ments and agencies of the Federal Government.

3       “(h) TRAVEL EXPENSES.—The members of the Advi-  
4       sory Board shall not receive compensation for the perform-  
5       ance of services for the Advisory Board. The members  
6       shall be allowed travel expenses for up to 4 meetings per  
7       year, including per diem in lieu of subsistence, at rates  
8       authorized for employees of agencies under subchapter I  
9       of chapter 57 of title 5, United States Code, while away  
10      from their homes or regular places of business in the per-  
11      formance of services for the Advisory Board. Notwith-  
12      standing section 1342 of title 31, United States Code, the  
13      Secretary may accept the voluntary and uncompensated  
14      services of the members of the Advisory Board.

15      “(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
16      Federal Government employee may be detailed to the Ad-  
17      visory Board without reimbursement, and such detail shall  
18      be without interruption or loss of civil service status or  
19      privilege.

20      “(j) STATUS AS PERMANENT ADVISORY COM-  
21      MITTEE.—Section 14 of the Federal Advisory Committee  
22      Act (5 U.S.C. App.) shall not apply to the advisory board.

23      **“SEC. 2023. RESEARCH PROTECTIONS.**

24      “(a) GUIDELINES.—The Secretary shall promulgate  
25      guidelines to assist researchers working in the area of

1 elder abuse, neglect, and exploitation, with issues relating  
 2 to human subject protections.

3 “(b) DEFINITION OF LEGALLY AUTHORIZED REP-  
 4 RESENTATIVE FOR APPLICATION OF REGULATIONS.—For  
 5 purposes of the application of subpart A of part 46 of title  
 6 45, Code of Federal Regulations, to research conducted  
 7 under this chapter the term ‘legally authorized representa-  
 8 tive’ means, unless otherwise provided by law, the indi-  
 9 vidual or judicial or other body authorized under the appli-  
 10 cable law to consent to medical treatment on behalf of an-  
 11 other person.

12 **“SEC. 2024. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to carry out  
 14 this chapter—

15 “(1) for fiscal year 2008, \$6,500,000; and

16 “(2) for each of fiscal years 2009 through  
 17 2011, \$7,000,000.

18 **“CHAPTER II—ELDER ABUSE, NEGLECT, AND**

19 **EXPLOITATION FORENSIC CENTERS**

20 **“SEC. 2031. ESTABLISHMENT AND SUPPORT OF ELDER**

21 **ABUSE, NEGLECT, AND EXPLOITATION FO-**

22 **RENSIC CENTERS.**

23 “(a) IN GENERAL.—The Secretary, in consultation  
 24 with the Attorney General, shall make grants to eligible  
 25 entities to establish and operate stationary and mobile fo-

1   rensic centers, to develop forensic expertise regarding, and  
2   provide services relating to, elder abuse, neglect, and ex-  
3   ploitation.

4       “(b) STATIONARY FORENSIC CENTERS.—The Sec-  
5   retary shall make 4 of the grants described in subsection  
6   (a) to institutions of higher education with demonstrated  
7   expertise in forensics or commitment to preventing or  
8   treating elder abuse, neglect, or exploitation, to establish  
9   and operate stationary forensic centers.

10       “(c) MOBILE CENTERS.—The Secretary shall make  
11   6 of the grants described in subsection (a) to appropriate  
12   entities to establish and operate mobile forensic centers.

13       “(d) AUTHORIZED ACTIVITIES.—

14               “(1) DEVELOPMENT OF FORENSIC MARKERS  
15       AND METHODOLOGIES.—An eligible entity that re-  
16       ceives a grant under this section shall use funds  
17       made available through the grant to assist in deter-  
18       mining whether abuse, neglect, or exploitation oc-  
19       curred and whether a crime was committed and to  
20       conduct research to describe and disseminate infor-  
21       mation on—

22                       “(A) forensic markers that indicate a case  
23                       in which elder abuse, neglect, or exploitation  
24                       may have occurred; and

1           “(B) methodologies for determining, in  
2           such a case, when and how health care, emer-  
3           gency service, social and protective services, and  
4           legal service providers should intervene and  
5           when the providers should report the case to  
6           law enforcement authorities.

7           “(2) DEVELOPMENT OF FORENSIC EXPER-  
8           TISE.—An eligible entity that receives a grant under  
9           this section shall use funds made available through  
10          the grant to develop forensic expertise regarding  
11          elder abuse, neglect, and exploitation in order to  
12          provide medical and forensic evaluation, therapeutic  
13          intervention, victim support and advocacy, case re-  
14          view, and case tracking.

15          “(3) COLLECTION OF EVIDENCE.—The Sec-  
16          retary, in coordination with the Attorney General,  
17          shall use data made available by grant recipients  
18          under this section to develop the capacity of geriatric  
19          health care professionals and law enforcement to col-  
20          lect forensic evidence, including collecting forensic  
21          evidence relating to a potential determination of  
22          elder abuse, neglect, or exploitation.

23          “(e) APPLICATION.—To be eligible to receive a grant  
24          under this section, an entity shall submit an application

1 to the Secretary at such time, in such manner, and con-  
 2 taining such information as the Secretary may require.

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
 4 are authorized to be appropriated to carry out this sec-  
 5 tion—

6 “(1) for fiscal year 2008, \$4,000,000;

7 “(2) for fiscal year 2009, \$6,000,000; and

8 “(3) for each of fiscal years 2010 and 2011,  
 9 \$8,000,000.

10 “SUBPART 2—PROGRAMS TO PROMOTE ELDER JUSTICE

11 **“SEC. 2041. ENHANCEMENT OF LONG-TERM CARE.**

12 “(a) GRANTS AND INCENTIVES FOR LONG-TERM  
 13 CARE STAFFING.—

14 “(1) IN GENERAL.—The Secretary shall carry  
 15 out activities, including activities described in para-  
 16 graphs (2) and (3), to provide incentives for individ-  
 17 uals to train for, seek, and maintain employment  
 18 providing direct care in a long-term care facility.

19 “(2) SPECIFIC PROGRAMS TO ENHANCE TRAIN-  
 20 ING, RECRUITMENT, AND RETENTION OF STAFF.—

21 “(A) COORDINATION WITH SECRETARY OF  
 22 LABOR TO RECRUIT AND TRAIN LONG-TERM  
 23 CARE STAFF.—The Secretary shall coordinate  
 24 activities under this subsection with the Sec-  
 25 retary of Labor in order to provide incentives



1 for individuals to train for and seek employ-  
2 ment providing direct care in a long-term care  
3 facility.

4 “(B) CAREER LADDERS AND WAGE OR  
5 BENEFIT INCREASES TO INCREASE STAFFING IN  
6 LONG-TERM CARE FACILITIES.—

7 “(i) IN GENERAL.—The Secretary  
8 shall make grants to long-term care facili-  
9 ties to carry out programs through which  
10 the facilities—

11 “(I) offer, to employees who pro-  
12 vide direct care to residents of a long-  
13 term care facility, continuing training  
14 and varying levels of certification,  
15 based on observed clinical care prac-  
16 tices and the amount of time the em-  
17 ployees spend providing direct care;  
18 and

19 “(II) provide, or make arrange-  
20 ments to provide, bonuses or other in-  
21 creased compensation or benefits to  
22 employees who achieve certification  
23 under such a program.

24 “(ii) APPLICATION.—To be eligible to  
25 receive a grant under this subparagraph, a

1 long-term care facility shall submit an ap-  
2 plication to the Secretary at such time, in  
3 such manner, and containing such infor-  
4 mation as the Secretary may require  
5 (which may include evidence of consulta-  
6 tion with the State in which the long-term  
7 care facility is located with respect to car-  
8 rying out activities funded under the  
9 grant).

10 “(iii) AUTHORITY TO LIMIT NUMBER  
11 OF APPLICANTS.—Nothing in this subpara-  
12 graph shall be construed as prohibiting the  
13 Secretary from limiting the number of ap-  
14 plicants for a grant under this subpara-  
15 graph.

16 “(3) SPECIFIC PROGRAMS TO IMPROVE MAN-  
17 AGEMENT PRACTICES.—

18 “(A) IN GENERAL.—The Secretary shall  
19 make grants to long-term care facilities to en-  
20 able the facilities to provide training and tech-  
21 nical assistance to eligible employees.

22 “(B) AUTHORIZED ACTIVITIES.—A long-  
23 term care facility that receives a grant under  
24 subparagraph (A) shall use funds made avail-  
25 able through the grant to provide training and

1 technical assistance to eligible employees re-  
2 garding management practices using methods  
3 that are demonstrated to promote retention of  
4 individuals who provide direct care to residents  
5 of the long-term care facility, such as—

6 “(i) the establishment of standard  
7 human resource policies that reward high  
8 performance, including policies that pro-  
9 vide for improved wages and benefits on  
10 the basis of job reviews;

11 “(ii) the establishment of motivational  
12 and thoughtful work organization prac-  
13 tices;

14 “(iii) the creation of a workplace cul-  
15 ture that respects and values caregivers  
16 and their needs;

17 “(iv) the promotion of a workplace  
18 culture that respects the rights of residents  
19 of a long-term care facility and results in  
20 improved care for the residents; and

21 “(v) the establishment of other pro-  
22 grams that promote the provision of high  
23 quality care, such as a continuing edu-  
24 cation program that provides additional  
25 hours of training, including on-the-job

1 training, for employees who are certified  
2 nurse aides.

3 “(C) APPLICATION.—To be eligible to re-  
4 ceive a grant under this paragraph, a long-term  
5 care facility shall submit an application to the  
6 Secretary at such time, in such manner, and  
7 containing such information as the Secretary  
8 may require (which may include evidence of  
9 consultation with the State in which the long-  
10 term care facility is located with respect to car-  
11 rying out activities funded under the grant).

12 “(D) AUTHORITY TO LIMIT NUMBER OF  
13 APPLICANTS.—Nothing in this paragraph shall  
14 be construed as prohibiting the Secretary from  
15 limiting the number of applicants for a grant  
16 under this paragraph.

17 “(E) ELIGIBLE EMPLOYEE DEFINED.—In  
18 this paragraph, the term ‘eligible employee’  
19 means an individual who establishes or imple-  
20 ments management practices applicable with re-  
21 spect to individuals who provide direct care to  
22 residents of a long-term care facility and in-  
23 cludes administrators, directors of nursing,  
24 staff developers, and charge nurses.

1           “(4) ACCOUNTABILITY MEASURES.—The Sec-  
2       retary shall develop accountability measures to en-  
3       sure that the activities conducted using funds made  
4       available under this subsection benefit eligible em-  
5       ployees and increase the stability of the long-term  
6       care workforce.

7       “(b) INFORMATICS SYSTEMS GRANT PROGRAM.—

8           “(1) GRANTS AUTHORIZED.—The Secretary is  
9       authorized to make grants to long-term care facili-  
10      ties for the purpose of assisting such entities in off-  
11      setting the costs related to purchasing, leasing, de-  
12      veloping, and implementing standardized clinical  
13      health care informatics systems designed to improve  
14      patient safety and reduce adverse events and health  
15      care complications resulting from medication errors.

16          “(2) USE OF GRANT FUNDS.—Funds provided  
17      under grants under this subsection may be used for  
18      any of the following:

19              “(A) Purchasing, leasing, and installing  
20          computer software and hardware, including  
21          handheld computer technologies.

22              “(B) Making improvements to existing  
23          computer software and hardware.

1           “(C) Making upgrades and other improve-  
2           ments to existing computer software and hard-  
3           ware to enable e-prescribing.

4           “(D) Providing education and training to  
5           eligible long-term care facility staff on the use  
6           of technology to implement the electronic trans-  
7           mission of prescription and patient information.

8           “(3) APPLICATION.—To be eligible to receive a  
9           grant under this subsection, a long-term care facility  
10          shall submit an application to the Secretary at such  
11          time, in such manner, and containing such informa-  
12          tion as the Secretary may require (which may in-  
13          clude evidence of consultation with the State in  
14          which the long-term care facility is located with re-  
15          spect to carrying out activities funded under the  
16          grant).

17          “(4) AUTHORITY TO LIMIT NUMBER OF APPLI-  
18          CANTS.—Nothing in this subsection shall be con-  
19          strued as prohibiting the Secretary from limiting the  
20          number of applicants for a grant under this sub-  
21          section.

22          “(5) ACCOUNTABILITY MEASURES.—The Sec-  
23          retary shall develop accountability measures to en-  
24          sure that the activities conducted using funds made  
25          available under this subsection help improve patient

1 safety and reduce adverse events and health care  
2 complications resulting from medication errors.

3 “(c) INCLUSION OF ADJUDICATED CRIMES ON NURS-  
4 ING HOME COMPARE WEBSITE.—Not later than 1 year  
5 after the date of enactment of the Elder Justice Act, the  
6 Secretary shall ensure that the Department of Health and  
7 Human Services includes, as part of the information pro-  
8 vided for comparison of nursing facilities on the official  
9 Internet website of the Federal Government for Medicare  
10 beneficiaries (commonly referred to as the ‘Nursing Home  
11 Compare’ Medicare website), the number of adjudicated  
12 instances of criminal violations by a nursing facility or  
13 crimes committed by an employee of a nursing facility—

14 “(1) that were committed inside of the facility;  
15 and

16 “(2) with respect to such instances of violations  
17 or crimes committed outside of the facility, that  
18 were the violations or crimes of elder abuse, neglect,  
19 and exploitation, criminal sexual abuse of an elder,  
20 or other violations or crimes that resulted in the se-  
21 rious bodily injury of an elder.

22 “(d) DEVELOPMENT OF CONSUMER RIGHTS INFOR-  
23 MATION PAGE ON NURSING HOME COMPARE WEBSITE.—  
24 Not later than 1 year after the date of enactment of the  
25 Elder Justice Act, the Secretary shall ensure that the De-

1 partment of Health and Human Services, as part of the  
 2 information provided for comparison of nursing facilities  
 3 on the Nursing Home Compare Medicare website develops  
 4 and includes a consumer rights information page that con-  
 5 tains links to descriptions of, and information with respect  
 6 to, the following:

7           “(1) The documentation on nursing facilities  
 8           that is available to the public.

9           “(2) General information and tips on choosing  
 10          a nursing facility that meets the needs of the indi-  
 11          vidual.

12          “(3) General information on consumer rights  
 13          with respect to nursing facilities.

14          “(4) The nursing facility survey process (on a  
 15          national and State-specific basis).

16          “(5) On a State-specific basis, the services  
 17          available through the State long-term care ombuds-  
 18          man for such State.

19          “(e) DEVELOPMENT AND ADOPTION OF STANDARDS  
 20          FOR TRANSACTIONS INVOLVING CLINICAL DATA BY  
 21          LONG-TERM CARE FACILITIES.—

22                 “(1) STANDARDS.—The Secretary shall develop  
 23                 and adopt uniform open electronic standards for  
 24                 transactions involving clinical data by long-term care



1 facilities. Such standards shall include messaging  
2 and nomenclature standards.

3 “(2) COMPATIBILITY WITH OTHER STAND-  
4 ARDS.—The standards developed and adopted under  
5 paragraph (1) shall be compatible with standards es-  
6 tablished under part C of title XI, standards estab-  
7 lished under subsections (b)(2)(B)(i) and (e)(4) of  
8 section 1860D–4, and with general health informa-  
9 tion technology standards.

10 “(3) ELECTRONIC SUBMISSION OF DATA TO  
11 THE SECRETARY.—

12 “(A) IN GENERAL.—Not later than 10  
13 years after the date of enactment of the Elder  
14 Justice Act, the Secretary shall have procedures  
15 in place to accept the optional electronic sub-  
16 mission of clinical data by long-term care facili-  
17 ties pursuant to the standards developed and  
18 adopted under paragraph (1).

19 “(B) RULE OF CONSTRUCTION.—Nothing  
20 in this subsection shall be construed to require  
21 a long-term care facility to submit clinical data  
22 electronically to the Secretary.

23 “(f) REGULATIONS.—The Secretary shall promulgate  
24 regulations to carry out subsections (c), (d), and (e) of  
25 this section. Such regulations shall require a State, as a

1 condition of the receipt of funds under this part, to con-  
 2 duct such data collection and reporting as the Secretary  
 3 determines are necessary to satisfy the requirements of  
 4 such subsections.

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
 6 are authorized to be appropriated to carry out this sec-  
 7 tion—

8 “(1) for fiscal year 2008, \$20,000,000;

9 “(2) for fiscal year 2009, \$17,500,000; and

10 “(3) for each of fiscal years 2010 and 2011,  
 11 \$15,000,000.

12 **“SEC. 2042. ADULT PROTECTIVE SERVICES FUNCTIONS AND**  
 13 **GRANT PROGRAMS.**

14 “(a) SECRETARIAL RESPONSIBILITIES.—

15 “(1) IN GENERAL.—The Secretary shall ensure  
 16 that the Department of Health and Human Serv-  
 17 ices—

18 “(A) provides funding authorized by this  
 19 subpart to State and local adult protective serv-  
 20 ices offices that investigate reports of the abuse,  
 21 neglect, and exploitation of elders;

22 “(B) collects and disseminates data annu-  
 23 ally relating to the abuse, exploitation, and ne-  
 24 glect of elders in coordination with the Depart-  
 25 ment of Justice;

1           “(C) develops and disseminates informa-  
2           tion on best practices regarding, and provides  
3           training on, carrying out adult protective serv-  
4           ices;

5           “(D) conducts research related to the pro-  
6           vision of adult protective services; and

7           “(E) provides technical assistance to  
8           States and other entities that provide or fund  
9           the provision of adult protective services, in-  
10          cluding through grants made under subsections  
11          (b) and (c).

12          “(2) AUTHORIZATION OF APPROPRIATIONS.—  
13          There are authorized to be appropriated to carry out  
14          this subsection, \$3,000,000 for fiscal year 2008 and  
15          \$4,000,000 for each of fiscal years 2009 through  
16          2011.

17          “(b) GRANTS TO ENHANCE THE PROVISION OF  
18          ADULT PROTECTIVE SERVICES.—

19               “(1) ESTABLISHMENT.—There is established an  
20          adult protective services grant program under which  
21          the Secretary shall annually award grants to States  
22          in the amounts calculated under paragraph (2) for  
23          the purposes of enhancing adult protective services  
24          provided by States and local units of government.

25          “(2) AMOUNT OF PAYMENT.—

1           “(A) IN GENERAL.—Subject to the avail-  
2           ability of appropriations and subparagraphs (B)  
3           and (C), the amount paid to a State for a fiscal  
4           year under the program under this subsection  
5           shall equal the amount appropriated for that  
6           year to carry out this subsection multiplied by  
7           the percentage of the total number of elders  
8           who reside in the United States who reside in  
9           that State.

10           “(B) GUARANTEED MINIMUM PAYMENT  
11           AMOUNT.—

12           “(i) 50 STATES.—Subject to clause  
13           (ii), if the amount determined under sub-  
14           paragraph (A) for a State for a fiscal year  
15           is less than 0.75 percent of the amount ap-  
16           propriated for such year, the Secretary  
17           shall increase such determined amount so  
18           that the total amount paid under this sub-  
19           section to the State for the year is equal  
20           to 0.75 percent of the amount so appro-  
21           priated.

22           “(ii) TERRITORIES.—In the case of a  
23           State other than 1 of the 50 States, clause  
24           (i) shall be applied as if each reference to  
25           ‘0.75’ were a reference to ‘0.1’.

1           “(C) PRO RATA REDUCTIONS.—The Sec-  
2           retary shall make such pro rata reductions to  
3           the amounts described in subparagraph (A) as  
4           are necessary to comply with the requirements  
5           of subparagraph (B).

6           “(3) AUTHORIZED ACTIVITIES.—

7           “(A) ADULT PROTECTIVE SERVICES.—  
8           Funds made available pursuant to this sub-  
9           section may only be used by States and local  
10          units of government to provide adult protective  
11          services and may not be used for any other pur-  
12          pose.

13          “(B) USE BY AGENCY.—Each State receiv-  
14          ing funds pursuant to this subsection shall pro-  
15          vide such funds to the agency or unit of State  
16          government having legal responsibility for pro-  
17          viding adult protective services within the State.

18          “(C) SUPPLEMENT NOT SUPPLANT.—Each  
19          State or local unit of government shall use  
20          funds made available pursuant to this sub-  
21          section to supplement and not supplant other  
22          Federal, State, and local public funds expended  
23          to provide adult protective services in the State.

24          “(4) STATE REPORTS.—Each State receiving  
25          funds under this subsection shall submit to the Sec-

1       retary, at such time and in such manner as the Sec-  
2       retary may require, a report on the number of elders  
3       served by the grants awarded under this subsection.

4           “(5) AUTHORIZATION OF APPROPRIATIONS.—

5       There are authorized to be appropriated to carry out  
6       this subsection, \$100,000,000 for each of fiscal  
7       years 2008 through 2011.

8           “(c) STATE DEMONSTRATION PROGRAMS.—

9           “(1) ESTABLISHMENT.—The Secretary shall  
10       award grants to States for the purposes of con-  
11       ducting demonstration programs in accordance with  
12       paragraph (2).

13           “(2) DEMONSTRATION PROGRAMS.—Funds  
14       made available pursuant to this subsection may be  
15       used by States and local units of government to con-  
16       duct demonstration programs that test—

17           “(A) training modules developed for the  
18       purpose of detecting or preventing elder abuse;

19           “(B) methods to detect or prevent financial  
20       exploitation of elders;

21           “(C) methods to detect elder abuse;

22           “(D) whether training on elder abuse  
23       forensics enhances the detection of elder abuse  
24       by employees of the State or local unit of gov-  
25       ernment; or

1           “(E) other matters relating to the detec-  
2           tion or prevention of elder abuse.

3           “(3) APPLICATION.—To be eligible to receive a  
4           grant under this subsection, a State shall submit an  
5           application to the Secretary at such time, in such  
6           manner, and containing such information as the Sec-  
7           retary may require.

8           “(4) STATE REPORTS.—Each State that re-  
9           ceives funds under this subsection shall submit a re-  
10          port to the Secretary at such time, in such manner,  
11          and containing such information as the Secretary  
12          may require on the results of the demonstration pro-  
13          gram conducted by the State using funds made  
14          available under this subsection.

15          “(5) AUTHORIZATION OF APPROPRIATIONS.—  
16          There are authorized to be appropriated to carry out  
17          this subsection, \$25,000,000 for each of fiscal years  
18          2008 through 2011.

19   **“SEC. 2043. LONG-TERM CARE OMBUDSMAN PROGRAM**  
20               **GRANTS AND TRAINING.**

21          “(a) GRANTS TO SUPPORT THE LONG-TERM CARE  
22          OMBUDSMAN PROGRAM.—

23               “(1) IN GENERAL.—The Secretary shall make  
24               grants to eligible entities with relevant expertise and  
25               experience in abuse and neglect in long-term care fa-

1 cilities or long-term care ombudsman programs and  
 2 responsibilities, for the purpose of—

3 “(A) improving the capacity of State long-  
 4 term care ombudsman programs to respond to  
 5 and resolve complaints about abuse and neglect;

6 “(B) conducting pilot programs with State  
 7 long-term care ombudsman offices or local om-  
 8 budsman entities; and

9 “(C) providing support for such State  
 10 long-term care ombudsman programs and such  
 11 pilot programs (such as through the establish-  
 12 ment of a national long-term care ombudsman  
 13 resource center).

14 “(2) AUTHORIZATION OF APPROPRIATIONS.—

15 There are authorized to be appropriated to carry out  
 16 this subsection—

17 “(A) for fiscal year 2008, \$5,000,000;

18 “(B) for fiscal year 2009, \$7,500,000; and

19 “(C) for each of fiscal years 2010 and  
 20 2011, \$10,000,000.

21 “(b) OMBUDSMAN TRAINING PROGRAMS.—

22 “(1) IN GENERAL.—The Secretary shall estab-  
 23 lish programs to provide and improve ombudsman  
 24 training with respect to elder abuse, neglect, and ex-



1       exploitation for national organizations and State long-  
2       term care ombudsman programs.

3               “(2) AUTHORIZATION OF APPROPRIATIONS.—

4       There are authorized to be appropriated to carry out  
5       this subsection, for each of fiscal years 2008  
6       through 2011, \$10,000,000.

7       **“SEC. 2044. PROVISION OF INFORMATION REGARDING, AND**  
8               **EVALUATIONS OF, ELDER JUSTICE PRO-**  
9               **GRAMS.**

10       “(a) PROVISION OF INFORMATION.—To be eligible to  
11       receive a grant under this part, an applicant shall agree—

12               “(1) except as provided in paragraph (2), to  
13       provide the eligible entity conducting an evaluation  
14       under subsection (b) of the activities funded through  
15       the grant with such information as the eligible entity  
16       may require in order to conduct such evaluation; or

17               “(2) in the case of an applicant for a grant  
18       under section 2041(b), to provide the Secretary with  
19       such information as the Secretary may require to  
20       conduct an evaluation or audit under subsection (c).

21       “(b) USE OF ELIGIBLE ENTITIES TO CONDUCT  
22       EVALUATIONS.—

23               “(1) EVALUATIONS REQUIRED.—Except as pro-  
24       vided in paragraph (2), the Secretary shall—

1           “(A) reserve a portion (not less than 2 per-  
2           cent) of the funds appropriated with respect to  
3           each program carried out under this part; and

4           “(B) use the funds reserved under sub-  
5           paragraph (A) to provide assistance to eligible  
6           entities to conduct evaluations of the activities  
7           funded under each program carried out under  
8           this part.

9           “(2) INFORMATICS SYSTEMS GRANT PROGRAM  
10          NOT INCLUDED.—The provisions of this subsection  
11          shall not apply to the informatics systems grant pro-  
12          gram under section 2041(b).

13          “(3) AUTHORIZED ACTIVITIES.—A recipient of  
14          assistance described in paragraph (1)(B) shall use  
15          the funds made available through the assistance to  
16          conduct a validated evaluation of the effectiveness of  
17          the activities funded under a program carried out  
18          under this part.

19          “(4) APPLICATIONS.—To be eligible to receive  
20          assistance under paragraph (1)(B), an entity shall  
21          submit an application to the Secretary at such time,  
22          in such manner, and containing such information as  
23          the Secretary may require, including a proposal for  
24          the evaluation.

1           “(5) REPORTS.—Not later than a date specified  
2       by the Secretary, an eligible entity receiving assist-  
3       ance under paragraph (1)(B) shall submit to the  
4       Secretary, the Committee on Ways and Means and  
5       the Committee on Energy and Commerce of the  
6       House of Representatives, and the Committee on Fi-  
7       nance of the Senate a report containing the results  
8       of the evaluation conducted using such assistance to-  
9       gether with such recommendations as the entity de-  
10      termines to be appropriate.

11       “(c) EVALUATIONS AND AUDITS OF INFORMATICS  
12      SYSTEMS GRANT PROGRAM BY THE SECRETARY.—

13           “(1) EVALUATIONS.—The Secretary shall con-  
14      duct an evaluation of the activities funded under the  
15      informatics systems grant program under section  
16      2041(b). Such evaluation shall include an evaluation  
17      of whether the funding provided under the grant is  
18      expended only for the purposes for which it is made.

19           “(2) AUDITS.—The Secretary shall conduct ap-  
20      propriate audits of grants made under section  
21      2041(b).

22      **“SEC. 2045. REPORT.**

23           “Not later than October 1, 2011, the Secretary shall  
24      submit to the Elder Justice Coordinating Council, the  
25      Committee on Ways and Means and the Committee on En-

1 ergy and Commerce of the House of Representatives, and  
 2 the Committee on Finance of the Senate a report—

3 “(1) compiling, summarizing, and analyzing the  
 4 information contained in the State reports submitted  
 5 under subsections (b)(4) and (c)(4) of section 2042;  
 6 and

7 “(2) containing such recommendations for legis-  
 8 lative or administrative action as the Secretary de-  
 9 termines to be appropriate.”.

10 (2) OPTION FOR STATE PLAN UNDER PROGRAM  
 11 FOR TEMPORARY ASSISTANCE FOR NEEDY FAMI-  
 12 LIES.—

13 (A) IN GENERAL.—Section 402(a)(1)(B) of  
 14 the Social Security Act (42 U.S.C.  
 15 602(a)(1)(B)) is amended by adding at the end  
 16 the following new clause:

17 “(v) The document shall indicate  
 18 whether the State intends to assist individ-  
 19 uals to train for, seek, and maintain em-  
 20 ployment—

21 “(I) providing direct care in a  
 22 long-term care facility (as such terms  
 23 are defined under section 2011); or

24 “(II) in other occupations related  
 25 to elder care determined appropriate

1 by the State for which the State iden-  
 2 tifies an unmet need for service per-  
 3 sonnel,  
 4 and, if so, shall include an overview of such  
 5 assistance.”.

6 (B) EFFECTIVE DATE.—The amendment  
 7 made by subparagraph (A) shall take effect on  
 8 October 1, 2008.

9 (b) PROTECTING RESIDENTS OF LONG-TERM CARE  
 10 FACILITIES.—

11 (1) NATIONAL TRAINING INSTITUTE FOR SUR-  
 12 VEYORS.—

13 (A) IN GENERAL.—The Secretary of  
 14 Health and Human Services shall enter into a  
 15 contract with an entity for the purpose of estab-  
 16 lishing and operating a National Training Insti-  
 17 tute for Federal and State surveyors. Such In-  
 18 stitute shall provide and improve the training of  
 19 surveyors with respect to investigating allega-  
 20 tions of abuse, neglect, and misappropriation of  
 21 property in programs and long-term care facili-  
 22 ties that receive payments under title XVIII or  
 23 XIX of the Social Security Act.

24 (B) ACTIVITIES CARRIED OUT BY THE IN-  
 25 STITUTE.—The contract entered into under

1           subparagraph (A) shall require the Institute es-  
2           tablished and operated under such contract to  
3           carry out the following activities:

4                   (i) Assess the extent to which State  
5                   agencies use specialized surveyors for the  
6                   investigation of reported allegations of  
7                   abuse, neglect, and misappropriation of  
8                   property in such programs and long-term  
9                   care facilities.

10                  (ii) Evaluate how the competencies of  
11                  surveyors may be improved to more effec-  
12                  tively investigate reported allegations of  
13                  such abuse, neglect, and misappropriation  
14                  of property, and provide feedback to Fed-  
15                  eral and State agencies on the evaluations  
16                  conducted.

17                  (iii) Provide a national program of  
18                  training, tools, and technical assistance to  
19                  Federal and State surveyors on inves-  
20                  tigating reports of such abuse, neglect, and  
21                  misappropriation of property.

22                  (iv) Develop and disseminate informa-  
23                  tion on best practices for the investigation  
24                  of such abuse, neglect, and misappropria-  
25                  tion of property.

1 (v) Assess the performance of State  
2 complaint intake systems, in order to en-  
3 sure that the intake of complaints occurs  
4 24 hours per day, 7 days a week (including  
5 holidays).

6 (vi) To the extent approved by the  
7 Secretary of Health and Human Services,  
8 provide a national 24 hours per day, 7  
9 days a week (including holidays), back-up  
10 system to State complaint intake systems  
11 in order to ensure optimum national re-  
12 sponsiveness to complaints of such abuse,  
13 neglect, and misappropriation of property.

14 (vii) Analyze and report annually on  
15 the following:

16 (I) The total number and sources  
17 of complaints of such abuse, neglect,  
18 and misappropriation of property.

19 (II) The extent to which such  
20 complaints are referred to law en-  
21 forcement agencies.

22 (III) General results of Federal  
23 and State investigations of such com-  
24 plaints.

1 (viii) Conduct a national study of the  
2 cost to State agencies of conducting com-  
3 plaint investigations of skilled nursing fa-  
4 cilities and nursing facilities under sections  
5 1819 and 1919, respectively, of the Social  
6 Security Act (42 U.S.C. 1395i–3; 1396r),  
7 and making recommendations to the Sec-  
8 retary of Health and Human Services with  
9 respect to options to increase the efficiency  
10 and cost-effectiveness of such investiga-  
11 tions.

12 (C) AUTHORIZATION.—There are author-  
13 ized to be appropriated to carry out this para-  
14 graph, for the period of fiscal years 2008  
15 through 2011, \$12,000,000.

16 (2) GRANTS TO STATE SURVEY AGENCIES.—

17 (A) IN GENERAL.—The Secretary of  
18 Health and Human Services shall make grants  
19 to State agencies that perform surveys of  
20 skilled nursing facilities or nursing facilities  
21 under sections 1819 or 1919, respectively, of  
22 the Social Security Act (42 U.S.C. 1395i–3;  
23 1395r).

24 (B) USE OF FUNDS.—A grant awarded  
25 under subparagraph (A) shall be used for the



1 purpose of designing and implementing com-  
2 plaint investigations systems that—

3 (i) promptly prioritize complaints in  
4 order to ensure a rapid response to the  
5 most serious and urgent complaints;

6 (ii) respond to complaints with opti-  
7 mum effectiveness and timeliness; and

8 (iii) optimize the collaboration be-  
9 tween local authorities, consumers, and  
10 providers, including—

11 (I) such State agency;

12 (II) the State Long-Term Care  
13 Ombudsman;

14 (III) local law enforcement agen-  
15 cies;

16 (IV) advocacy and consumer or-  
17 ganizations;

18 (V) State aging units;

19 (VI) Area Agencies on Aging;

20 and

21 (VII) other appropriate entities.

22 (C) AUTHORIZATION.—There are author-  
23 ized to be appropriated to carry out this para-  
24 graph, for each of fiscal years 2008 through  
25 2011, \$5,000,000.

1           (3) REPORTING OF CRIMES AND ENSURING  
2       SAFETY OF RESIDENTS WHEN FEDERALLY FUNDED  
3       LONG-TERM CARE FACILITIES CLOSE.—Part A of  
4       title XI of the Social Security Act (42 U.S.C. 1301  
5       et seq.) is amended by adding at the end the fol-  
6       lowing new sections:

7       “REPORTING TO LAW ENFORCEMENT OF CRIMES OCCUR-  
8       RING IN FEDERALLY FUNDED LONG-TERM CARE FA-  
9       CILITIES

10       “SEC. 1150A. (a) DETERMINATION AND NOTIFICA-  
11       TION.—

12           “(1) DETERMINATION.—The owner or operator  
13       of each long-term care facility that receives Federal  
14       funds under this Act shall annually determine  
15       whether the facility received at least \$10,000 in such  
16       Federal funds during the preceding year.

17           “(2) NOTIFICATION.—If the owner or operator  
18       determines under paragraph (1) that the facility re-  
19       ceived at least \$10,000 in such Federal funds during  
20       the preceding year, such owner or operator shall an-  
21       nually notify each covered individual (as defined in  
22       paragraph (3)) of that individual’s obligation to  
23       comply with the reporting requirements described in  
24       subsection (b).

25           “(3) COVERED INDIVIDUAL DEFINED.—In this  
26       section, the term ‘covered individual’ means each in-

1       dividual who is an owner, operator, employee, man-  
2       ager, agent, or contractor of a long-term care facility  
3       that is the subject of a determination described in  
4       paragraph (1).

5       “(b) REPORTING REQUIREMENTS.—

6               “(1) IN GENERAL.—Each covered individual  
7       shall report to the Secretary and 1 or more law en-  
8       forcement entities for the political subdivision in  
9       which the facility is located any reasonable suspicion  
10      of a crime (as defined by the law of the applicable  
11      political subdivision) against any individual who is a  
12      resident of, or is receiving care from, the facility.

13              “(2) TIMING.—If the events that cause the sus-  
14      picion—

15                      “(A) result in serious bodily injury, the in-  
16      dividual shall report the suspicion immediately,  
17      but not later than 2 hours after forming the  
18      suspicion; and

19                      “(B) do not result in serious bodily injury,  
20      the individual shall report the suspicion not  
21      later than 24 hours after forming the suspicion.

22      “(c) PENALTIES.—

23              “(1) IN GENERAL.—If a covered individual vio-  
24      lates subsection (b)—

1           “(A) the covered individual shall be subject  
2           to a civil money penalty of not more than  
3           \$200,000; or

4           “(B) the Secretary shall classify the cov-  
5           ered individual as an excluded individual, for a  
6           period of not more than 3 years.

7           “(2) INCREASED HARM.—If a covered indi-  
8           vidual violates subsection (b) and the violation exac-  
9           erbates the harm to the victim of the crime or re-  
10          sults in harm to another individual—

11          “(A) the covered individual shall be subject  
12          to a civil money penalty of not more than  
13          \$300,000; and

14          “(B) the Secretary shall classify the cov-  
15          ered individual as an excluded individual, for a  
16          period of not more than 3 years.

17          “(3) EXCLUDED INDIVIDUAL.—During any pe-  
18          riod for which a covered individual is classified as an  
19          excluded individual under paragraph (1)(B) or  
20          (2)(B), a long-term care facility that employs such  
21          individual shall be ineligible to receive Federal funds  
22          under this Act.

23          “(4) EXTENUATING CIRCUMSTANCES.—

24          “(A) IN GENERAL.—The Secretary may  
25          take into account the financial burden on pro-

1           viders with underserved populations in deter-  
2           mining any penalty to be imposed under this  
3           subsection.

4           “(B) UNDERSERVED POPULATION DE-  
5           FINED.—In this paragraph, the term ‘under-  
6           served population’ means the population of an  
7           area designated by the Secretary as an area  
8           with a shortage of elder justice programs or a  
9           population group designated by the Secretary  
10          as having a shortage of such programs. Such  
11          areas or groups designated by the Secretary  
12          may include—

13               “(i) areas or groups that are geo-  
14               graphically isolated (such as isolated in a  
15               rural area);

16               “(ii) racial and ethnic minority popu-  
17               lations; and

18               “(iii) populations underserved because  
19               of special needs (such as language barriers,  
20               disabilities, alien status, or age).

21          “(d) ADDITIONAL PENALTIES FOR RETALIATION.—

22               “(1) IN GENERAL.—A long-term care facility  
23          may not—

24               “(A) discharge, demote, suspend, threaten,  
25          harass, or deny a promotion or other employ-

1           ment-related benefit to an employee, or in any  
2           other manner discriminate against an employee  
3           in the terms and conditions of employment be-  
4           cause of lawful acts done by the employee; or

5           “(B) file a complaint or a report against a  
6           nurse or other employee with the appropriate  
7           State professional disciplinary agency because  
8           of lawful acts done by the nurse or employee,  
9           for making a report, causing a report to be made,  
10          or for taking steps in furtherance of making a report  
11          pursuant to subsection (b)(1).

12          “(2) PENALTIES FOR RETALIATION.—If a long-  
13          term care facility violates subparagraph (A) or (B)  
14          of paragraph (1) the facility shall be subject to a  
15          civil money penalty of not more than \$200,000 or  
16          the Secretary may classify the entity as an excluded  
17          entity for a period of 2 years pursuant to section  
18          1128(b), or both.

19          “(3) REQUIREMENT TO POST NOTICE.—Each  
20          long-term care facility shall post conspicuously in an  
21          appropriate location a sign (in a form specified by  
22          the Secretary) specifying the rights of employees  
23          under this section. Such sign shall include a state-  
24          ment that an employee may file a complaint with the  
25          Secretary against a long-term care facility that vio-

1       lates the provisions of this subsection and informa-  
 2       tion with respect to the manner of filing such a com-  
 3       plaint.

4       “(e) PROCEDURE.—The provisions of section 1128A  
 5       (other than subsections (a) and (b) and the second sen-  
 6       tence of subsection (f)) shall apply to a civil money penalty  
 7       under this section in the same manner as such provisions  
 8       apply to a penalty or proceeding under section 1128A(a).

9       “(f) DEFINITIONS.—In this section, the terms ‘elder  
 10      justice’, ‘long-term care facility’, and ‘law enforcement’  
 11      have the meanings given those terms in section 2011.

12      “ENSURING SAFETY OF RESIDENTS WHEN FEDERALLY  
 13      FUNDED LONG-TERM CARE FACILITIES CLOSE

14      “SEC. 1150B. (a) IN GENERAL.—

15              “(1) NOTIFICATION OF FACILITY CLOSURE.—  
 16      Subject to paragraph (2), if the owner or operator  
 17      determines under section 1150A(a)(1) that a long-  
 18      term care facility received at least \$10,000 in Fed-  
 19      eral funds under this Act during the preceding year,  
 20      the owner or operator of the facility shall—

21                      “(A) submit to the Secretary and the ap-  
 22                      propriate State regulatory agency written notifi-  
 23                      cation of an impending closure not later than  
 24                      the date that is 60 days prior to the date of  
 25                      such closure;

1           “(B) include in the notice a plan for the  
2           transfer and adequate relocation of the resi-  
3           dents of the facility prior to closure, including  
4           assurances that the residents will be transferred  
5           to the most appropriate facility in terms of  
6           quality, services, and location; and

7           “(C) not later than 10 days after the facil-  
8           ity closure, submit to the Secretary and the ap-  
9           propriate State agency information identifying  
10          where residents of the closed facility were trans-  
11          ferred and on what date.

12          “(2) EXCEPTION WHERE THE SECRETARY HAS  
13          ISSUED A TERMINATION NOTICE.—In the case of a  
14          long-term care facility described in paragraph (1) for  
15          which the Secretary has issued a termination notice  
16          for the facility to close by not later than 15 days  
17          after the issuance of such notice, the Secretary shall  
18          establish requirements for the notification, transfer,  
19          and adequate relocation of residents within an ap-  
20          propriate timeframe.

21          “(b) SANCTIONS.—Any person owning or operating  
22          a long-term care facility that fails to comply with the re-  
23          quirements of subsection (a) shall be subject to—

24                 “(1) a civil monetary penalty of up to  
25                 \$1,000,000;



1           “(2) exclusion from participation in the pro-  
2           grams under this Act (in accordance with the proce-  
3           dures of section 1128); and

4           “(3) any other applicable civil monetary pen-  
5           alties and assessments.

6           “(c) PROCEDURE.—The provisions of section 1128A  
7           (other than subsections (a) and (b) and the second sen-  
8           tence of subsection (f)) shall apply to a civil money penalty  
9           or assessment under this section in the same manner as  
10          such provisions apply to a penalty or proceeding under  
11          section 1128A(a).

12          “(d) DEFINITION.—In this section, the term ‘long-  
13          term care facility’ has the meaning given that term in sec-  
14          tion 2011.”.

15               (4) REPORT TO CONGRESS ON PILOT PROGRAM  
16          FOR NATIONAL AND STATE BACKGROUND CHECKS  
17          ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-  
18          TERM CARE FACILITIES OR PROVIDERS.—Not later  
19          than the date that is 6 months after the completion  
20          of the pilot program for national and State back-  
21          ground checks on direct patient access employees of  
22          long-term care facilities or providers established  
23          under section 307 of the Medicare Prescription  
24          Drug, Improvement, and Modernization Act of 2003  
25          (42 U.S.C. 1395aa note), the Secretary shall submit

1 to the Committee on Finance of the Senate and the  
2 Committee on Ways and Means and the Committee  
3 on Energy and Commerce of the House of Rep-  
4 resentatives a report containing the results of the  
5 evaluation required under subsection (e) of such sec-  
6 tion of such Act, together with recommendations for  
7 such legislation and administrative action as the  
8 Secretary determines appropriate.

9 (c) NATIONAL NURSE AIDE REGISTRY.—

10 (1) DEFINITION OF NURSE AIDE.—In this sub-  
11 section, the term “nurse aide” has the meaning  
12 given that term in sections 1819(b)(5)(F) and  
13 1919(b)(5)(F) of the Social Security Act (42 U.S.C.  
14 1395i–3(b)(5)(F); 1396r(b)(5)(F)).

15 (2) STUDY AND REPORT.—

16 (A) IN GENERAL.—The Secretary, in con-  
17 sultation with appropriate government agencies  
18 and private sector organizations, shall conduct  
19 a study on establishing a national nurse aide  
20 registry.

21 (B) AREAS EVALUATED.—The study con-  
22 ducted under this subsection shall include an  
23 evaluation of—

24 (i) who should be included in the reg-  
25 istry;

1           (ii) how such a registry would comply  
2 with Federal and State privacy laws and  
3 regulations;

4           (iii) how data would be collected for  
5 the registry;

6           (iv) what entities and individuals  
7 would have access to the data collected;

8           (v) how the registry would provide ap-  
9 propriate information regarding violations  
10 of Federal and State law by individuals in-  
11 cluded in the registry;

12          (vi) how the functions of a national  
13 nurse aide registry would be coordinated  
14 with the pilot program for national and  
15 State background checks on direct patient  
16 access employees of long-term care facili-  
17 ties or providers established under section  
18 307 of the Medicare Prescription Drug,  
19 Improvement, and Modernization Act of  
20 2003 (Public Law 108–173); and

21          (vii) how the information included in  
22 State nurse aide registries developed and  
23 maintained under sections 1819(e)(2) and  
24 1919(e)(2) of the Social Security Act (42  
25 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2))

1 would be provided as part of a national  
2 nurse aide registry.

3 (C) CONSIDERATIONS.—In conducting the  
4 study and preparing the report required under  
5 this subsection, the Secretary shall take into  
6 consideration the findings and conclusions of  
7 relevant reports and other relevant resources,  
8 including the following:

9 (i) The Department of Health and  
10 Human Services Office of Inspector Gen-  
11 eral Report, Nurse Aide Registries: State  
12 Compliance and Practices (February  
13 2005).

14 (ii) The General Accounting Office  
15 (now known as the Government Account-  
16 ability Office) Report, Nursing Homes:  
17 More Can Be Done to Protect Residents  
18 from Abuse (March 2002).

19 (iii) The Department of Health and  
20 Human Services Office of the Inspector  
21 General Report, Nurse Aide Registries:  
22 Long-Term Care Facility Compliance and  
23 Practices (July 2005).

24 (iv) The Department of Health and  
25 Human Services Health Resources and

1 Services Administration Report, Nursing  
2 Aides, Home Health Aides, and Related  
3 Health Care Occupations—National and  
4 Local Workforce Shortages and Associated  
5 Data Needs (2004)(in particular with re-  
6 spect to chapter 7 and appendix F).

7 (v) The 2001 Report to CMS from  
8 the School of Rural Public Health, Texas  
9 A&M University, Preventing Abuse and  
10 Neglect in Nursing Homes: The Role of  
11 Nurse Aide Registries.

12 (vi) Information included in State  
13 nurse aide registries developed and main-  
14 tained under sections 1819(e)(2) and  
15 1919(e)(2) of the Social Security Act (42  
16 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2)).

17 (D) REPORT.—Not later than 18 months  
18 after the date of enactment of this Act, the Sec-  
19 retary shall submit a report to the Elder Jus-  
20 tice Coordinating Council, the Committee on  
21 Finance of the Senate, and the Committee on  
22 Ways and Means and the Committee on Energy  
23 and Commerce of the House of Representatives  
24 containing the findings and recommendations of  
25 the study conducted under this paragraph.

1           (E) FUNDING LIMITATION.—Funding for  
2           the study conducted under this subsection shall  
3           not exceed \$500,000.

4           (3) CONGRESSIONAL ACTION.—After receiving  
5           the report submitted by the Secretary under para-  
6           graph (2)(D), the Committee on Finance of the Sen-  
7           ate and the Committee on Ways and Means and the  
8           Committee on Energy and Commerce of the House  
9           of Representatives shall, as they deem appropriate,  
10          take action based on the recommendations contained  
11          in the report.

12          (4) AUTHORIZATION OF APPROPRIATIONS.—  
13          There are authorized to be appropriated such sums  
14          as are necessary for the purpose of carrying out this  
15          subsection.

16          (d) CONFORMING AMENDMENTS.—

17               (1) TITLE XX.—Title XX of the Social Security  
18               Act (42 U.S.C. 1397 et seq.), as amended by section  
19               102(a), is amended—

20                       (A) in the heading of section 2001, by  
21                       striking “TITLE” and inserting “PART”; and

22                       (B) in part A, by striking “this title” each  
23                       place it appears and inserting “this part”.

24               (2) TITLE IV.—Title IV of the Social Security  
25               Act (42 U.S.C. 601 et seq.) is amended—

1 (A) in section 404(d)—

2 (i) in paragraph (1)(A), by striking  
3 “Title” and inserting “Part A of title”;

4 (ii) in paragraphs (2)(A) and (3)(B),  
5 by inserting “part A of” before “title XX”  
6 each place it appears;

7 (iii) in the heading of paragraph (2),  
8 by inserting “PART A OF” before “TITLE  
9 XX”; and

10 (iv) in the heading of paragraph  
11 (3)(B), by inserting “PART A OF” before  
12 “TITLE XX”; and

13 (B) in sections 422(b), 471(a)(4),  
14 472(h)(1), and 473(b)(2), by inserting “part A  
15 of” before “title XX” each place it appears.

16 (3) TITLE XI.—Title XI of the Social Security  
17 Act (42 U.S.C. 1301 et seq.) is amended—

18 (A) in section 1128(h)(3)—

19 (i) by inserting “part A of” before  
20 “title XX”; and

21 (ii) by striking “such title” and in-  
22 serting “such part”; and

23 (B) in section 1128A(i)(1), by inserting  
24 “part A of” before “title XX”.

## **TITLE II—DEPARTMENT OF JUSTICE**

### **SEC. 201. MODEL STATE LAWS AND PRACTICES.**

(a) IN GENERAL.—The Attorney General, after consultation with the Secretary of Health and Human Services, shall carry out the following duties:

(1) STUDY.—Conduct a study of State laws and practices relating to elder abuse, neglect, and exploitation.

(2) REPORT TO ELDER JUSTICE RESOURCE CENTER.—Prepare and submit a report or periodic reports containing the findings of the study conducted under paragraph (1) to the Elder Justice Coordinating Council and the Advisory Board of Elder Abuse, Neglect, and Exploitation (established under Title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by this Act). Such report or reports shall be made available to the public.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, submit to the Chairman and Ranking Member of the Special Committee on Aging of the Senate, and the Speaker and Minority leader of the House of Representatives, a report that contains—



1 (A) a comprehensive description of State  
2 laws and practices relating to elder abuse, ne-  
3 glect, and exploitation;

4 (B) a comprehensive analysis of the effec-  
5 tiveness of such State laws and practices; and

6 (C) recommendations—

7 (i) for model State laws and practices  
8 relating to elder abuse, neglect, and exploi-  
9 tation; and

10 (ii) with respect to the definitions re-  
11 ferred to in subsection (b)(1).

12 (b) STATE LAWS AND PRACTICES.—In conducting  
13 the study under subsection (a), the Attorney General shall  
14 examine State laws and practices on issues including—

15 (1) the definition of—

16 (A) “elder”;

17 (B) “abuse”;

18 (C) “neglect”;

19 (D) “exploitation”; and

20 (E) such related terms the Attorney Gen-  
21 eral determines to be appropriate;

22 (2) mandatory reporting laws, with respect to—

23 (A) who is a mandated reporter;

24 (B) to whom must they report and within  
25 what time frame; and

1 (C) any consequences for not reporting;

2 (3) evidentiary, procedural, sentencing, choice  
3 of remedies, and data retention issues relating to  
4 pursuing cases relating to elder abuse, neglect, and  
5 exploitation;

6 (4) laws requiring immediate reporting of all  
7 nursing home deaths to the county coroner or to  
8 some other individual or entity;

9 (5) fiduciary laws, including guardianship and  
10 power of attorney laws;

11 (6) laws that permit or encourage banks and  
12 bank employees to prevent and report suspected  
13 elder abuse, neglect, and exploitation;

14 (7) laws that may impede research on elder  
15 abuse, neglect, and exploitation;

16 (8) practices relating to the enforcement of laws  
17 relating to elder abuse, neglect, and exploitation; and

18 (9) practices relating to other aspects of elder  
19 justice.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to carry out this sec-  
22 tion—

23 (1) \$1,000,000 for fiscal year 2008; and

24 (2) \$2,000,000 for each of the fiscal years 2009  
25 through 2014.

1 **SEC. 202. ELDER JUSTICE PLAN AND STRATEGY.**

2 (a) DUTIES OF THE ATTORNEY GENERAL.—The At-  
3 torney General shall—

4 (1) develop objectives, priorities, policies, and a  
5 long-term plan for elder justice programs and activi-  
6 ties relating to prevention, detection, training, treat-  
7 ment, evaluation, intervention, research, and im-  
8 provement of the elder justice system in the United  
9 States;

10 (2) implement the overall policies and a strat-  
11 egy to carry out the plan described in paragraph (1);

12 (3) hire personnel to assist in carrying out the  
13 policies, programs, and administrative activities re-  
14 lated to the duties under paragraphs (1) and (2);  
15 and

16 (4) coordinate activities with the Elder Justice  
17 Coordinating Council and the Advisory Board of  
18 Elder Abuse, Neglect, and Exploitation (established  
19 under Title XX of the Social Security Act (42  
20 U.S.C. 1397 et seq.), as amended by this Act).

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated to carry out this section  
23 \$3,000,000 for each of the fiscal years 2008 through  
24 2014.

1 **SEC. 203. VICTIM ADVOCACY GRANTS.**

2 (a) GRANTS AUTHORIZED.—The Attorney General,  
3 after consultation with the Secretary of Health and  
4 Human Services, may award grants to eligible entities to  
5 study the special needs of victims of elder abuse, neglect,  
6 and exploitation.

7 (b) AUTHORIZED ACTIVITIES.—Funds awarded pur-  
8 suant to subsection (a) shall be used for pilot programs  
9 that—

10 (1) develop programs, provide training to health  
11 care, social, and protective services providers, law  
12 enforcement, fiduciaries (including guardians),  
13 judges and court personnel, and victim advocates;  
14 and

15 (2) examine special approaches designed to  
16 meet the needs of victims of elder abuse, neglect,  
17 and exploitation.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated to carry out this sec-  
20 tion—

21 (1) \$2,500,000 for fiscal year 2008; and

22 (2) \$3,000,000 for each of the fiscal years 2009  
23 through 2014.

1 **SEC. 204. SUPPORTING LOCAL PROSECUTORS IN ELDER**  
2 **JUSTICE MATTERS.**

3 (a) GRANTS AUTHORIZED.—The Attorney General,  
4 after consultation with the Secretary of Health and  
5 Human Services, shall award grants to provide training,  
6 technical assistance, policy development, multidisciplinary  
7 coordination, and other types of support to local prosecu-  
8 tors handling elder justice-related cases, including—

9 (1) funding specially designated elder justice  
10 positions or units; or

11 (2) funding the creation of a Center for the  
12 Prosecution of Elder Abuse, Neglect, and Exploi-  
13 tation by the American Prosecutor Research Insti-  
14 tute of the National District Attorneys Association,  
15 or any other similarly situated entity, to advise and  
16 support local prosecutors nationwide in their pursuit  
17 of cases involving elder abuse, neglect, and exploi-  
18 tation.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to carry out this sec-  
21 tion—

22 (1) \$3,000,000 for fiscal year 2008; and

23 (2) \$4,00,000 for each of the fiscal years 2009  
24 through 2014.

1 **SEC. 205. SUPPORTING STATE PROSECUTORS IN ELDER**  
2 **JUSTICE MATTERS.**

3 (a) IN GENERAL.—The Attorney General shall, after  
4 consultation with the Secretary of Health and Human  
5 Services, award grants to provide training, technical as-  
6 sistance, multidisciplinary coordination, policy develop-  
7 ment, and other types of support to State prosecutors, in-  
8 cluding employees of State Attorneys General and Med-  
9 icaid Fraud Control Units handling elder justice-related  
10 matters.

11 (b) CREATING SPECIALIZED POSITIONS.—Grants  
12 under this section may be made for—

13 (1) the establishment of specially designated  
14 elder justice positions or units; or

15 (2) the creation of a position to coordinate elder  
16 justice-related cases, training, technical assistance,  
17 and policy development for State prosecutors, by the  
18 National Association of Attorneys General or any  
19 other similarly situated entity.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to carry out this sec-  
22 tion—

23 (1) \$3,000,000 for fiscal year 2008; and

24 (2) \$4,000,000 for each of the fiscal years 2009  
25 through 2014.

1 **SEC. 206. INCREASED SUPPORT FOR FEDERAL CASES IN-**  
2 **VOLVING ELDER JUSTICE.**

3 (a) SUPPORT AND ASSISTANCE.—

4 (1) IN GENERAL.—The Attorney General shall  
5 establish procedures to ensure that the Department  
6 of Justice dedicates resources to investigating and  
7 prosecuting cases relating to elder justice.

8 (2) ADDITIONAL STAFF.—The Attorney General  
9 shall hire additional Federal prosecutors and make  
10 funding available to Federal prosecutors to hire  
11 nurse-investigators or other experts needed to iden-  
12 tify, assist with, or pursue cases relating to elder  
13 justice.

14 (3) RESOURCE GROUP.—The Attorney General  
15 may fund, through the Executive Office of United  
16 States Attorneys, a Resource Group to assist pros-  
17 ecutors throughout the Nation in investigating and  
18 prosecuting failure of care and other cases relating  
19 to elder justice matters.

20 (b) OFFICE OF INSPECTOR GENERAL.—The Office of  
21 Inspector General of the Department of Health and  
22 Human Services shall hire nurse-investigators and other  
23 experts to investigate and pursue failure of care allega-  
24 tions.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this sec-  
3 tion—

4 (1) \$3,000,000 for fiscal year 2008; and

5 (2) \$4,000,000 for each of the fiscal years 2009  
6 through 2014.

7 **SEC. 207. SUPPORTING LAW ENFORCEMENT IN ELDER JUS-**  
8 **TICE MATTERS.**

9 (a) IN GENERAL.—The Attorney General shall, after  
10 consultation with the Secretary of Health and Human  
11 Services, award grants to provide training, technical as-  
12 sistance, multidisciplinary coordination, policy develop-  
13 ment, and other types of support to police, sheriffs, detec-  
14 tives, public safety officers, corrections personnel, and  
15 other front line law enforcement responders who handle  
16 elder justice-related matters, to fund specially designated  
17 elder justice positions or units designed to support front  
18 line law enforcement in elder justice matters.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to carry out this sec-  
21 tion—

22 (1) \$6,000,000 for fiscal year 2008; and

23 (2) \$8,000,000 for each of the fiscal years 2009  
24 through 2014.



1 **SEC. 208. EVALUATIONS.**

2 (a) GRANTS UNDER THIS TITLE.—

3 (1) IN GENERAL.—In carrying out the grant  
4 programs under this title, the Attorney General  
5 shall—

6 (A) require each recipient of a grant to use  
7 a portion of the funds made available through  
8 the grant to conduct a validated evaluation of  
9 the effectiveness of the activities carried out  
10 through the grant by such recipient; or

11 (B) as the Attorney General considers ap-  
12 propriate, use a portion of the funds available  
13 under this title for a grant program under this  
14 title to provide assistance to an eligible entity to  
15 conduct a validated evaluation of the effective-  
16 ness of the activities carried out through such  
17 grant program by each of the grant recipients.

18 (2) APPLICATIONS.—

19 (A) SUBMISSION.—To be eligible to receive  
20 a grant under this title, an entity shall submit  
21 an application to the Attorney General at such  
22 time, in such manner, and containing such in-  
23 formation as the Attorney General may require,  
24 which shall include—

1 (i) a proposal for the evaluation re-  
2 quired in accordance with paragraph  
3 (1)(A); and

4 (ii) the amount of assistance under  
5 paragraph (1)(B) the entity is requesting,  
6 if any.

7 (B) REVIEW AND ASSISTANCE.—

8 (i) IN GENERAL.—An employee of the  
9 Department of Justice, after consultation  
10 with an employee of the Department of  
11 Health and Human Services and a non-  
12 governmental member of the Advisory  
13 Board of Elder Abuse, Neglect, and Ex-  
14 ploitation (established under Title XX of  
15 the Social Security Act (42 U.S.C. 1397 et  
16 seq.), as amended by this Act) with exper-  
17 tise in evaluation methodology, shall review  
18 each application described in subparagraph  
19 (A) and determine whether the method-  
20 ology described in the proposal under sub-  
21 paragraph (A)(i) is adequate to gather  
22 meaningful information.

23 (ii) DENIAL.—If the reviewing em-  
24 ployee determines the methodology de-  
25 scribed in such proposal is inadequate, the

1 reviewing employee shall recommend that  
 2 the Attorney General deny the application  
 3 for the grant, or make recommendations  
 4 for how the application should be amended.

5 (iii) NOTICE TO APPLICANT.—If the  
 6 Attorney General denies the application on  
 7 the basis of such proposal, the Attorney  
 8 General shall inform the applicant of the  
 9 reasons the application was denied, and  
 10 offer assistance to the applicant in modi-  
 11 fying the proposal.

12 (b) OTHER GRANTS.—The Attorney General shall  
 13 make grants to appropriate entities to conduct validated  
 14 evaluations of grant activities to reduce elder abuse, ne-  
 15 glect, and exploitation that are funded by Federal funds  
 16 not provided under this title.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 18 are authorized to be appropriated to carry out this section  
 19 \$7,000,000 for each of the fiscal years 2008 through  
 20 2014.

## 21 **TITLE III—TAX PROVISIONS**

### 22 **SEC. 301. LONG-TERM CARE FACILITY WORKER EMPLOY-** 23 **MENT TAX CREDIT.**

24 (a) WORK OPPORTUNITY TAX CREDIT.—

1           (1) IN GENERAL.—Section 51(d)(1) of the In-  
 2           ternal Revenue Code of 1986 (relating to members  
 3           of targeted groups) is amended by striking “or” at  
 4           the end of subparagraph (H), by striking the period  
 5           at the end of subparagraph (I) and inserting “or”,  
 6           and by adding at the end the following:

7                       “(J) a qualified long-term care facility  
 8           worker.”.

9           (2) QUALIFIED LONG-TERM CARE FACILITY  
 10          WORKER.—Section 51(d) of such Code is amended  
 11          by redesignating paragraphs (11) through (13) as  
 12          paragraphs (12) through (15), respectively, and by  
 13          inserting after paragraph (10) the following:

14                   “(11) QUALIFIED LONG-TERM CARE FACILITY  
 15          WORKER.—The term ‘qualified long-term care facil-  
 16          ity worker’ means any individual who—

17                       “(A) is hired by a long-term care facility  
 18                       (as defined in paragraph (18) of section 2201  
 19                       of the Social Security Act); and

20                       “(B) is certified by the designated local  
 21                       agency as being qualified to provide long-term  
 22                       care (as defined in paragraph (17) of such sec-  
 23                       tion 2201).”.

24          (b) EFFECTIVE DATE.—The amendments made by  
 25          subsection (a) shall apply to individuals who begin work

1 for an employer after the date of the enactment of this  
2 Act.

